

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

NO. 4:13CR00113-BD

KIMBERLY HARDIN

DEFENDANT

ORDER

Defendant Kimberly Hardin has moved for reconsideration of her sentence of four months' imprisonment, or alternatively for release from prison pending an appeal.

(Docket entry #20) The United States opposes the motion. (#22)

On April 15, 2013, Ms. Hardin pleaded guilty to wrongfully accessing individually identifiable medical records of others. She was sentenced to three years' probation, to be followed by one year of supervised release and mental health counseling. Two weeks after receiving probation, Ms. Hardin was arrested for shoplifting jewelry. She failed to report her arrest to the United States Probation Officer.

At the probation revocation hearing held on June 6, 2013, Ms. Hardin gave less than credible testimony regarding the circumstances surrounding the shoplifting charge. She admitted that she failed to timely report the arrest to her probation officer. Ms. Hardin has a prior state felony conviction for theft for which she received probation in lieu of a prison sentence.

The Court has broad discretion to revoke probation when its conditions are violated. Due to Ms. Hardin's pattern of repeated criminal activity and blatant disrespect

for the law, judgment was entered on June 6, 2013, revoking probation and sentencing Ms. Hardin to four months' detention. (#14) The four-month term of imprisonment is the low end of the guideline range and is fair under the circumstances. This sentence is imposed to promote respect for the law and to deter Ms. Hardin from further criminal behavior. Although Ms. Hardin suffers from several medical conditions, the Bureau of Prisons is well-equipped to meet her needs. For these reasons, the motion to reconsider is DENIED. Ms. Hardin's alternative motion for release pending appeal is also DENIED.¹

IT IS SO ORDERED this 18th day of June, 2013.



UNITED STATES MAGISTRATE JUDGE

¹ On June 13, 2013, Ms. Hardin filed a notice of appeal with the Court of Appeals for the Eighth Circuit. That appeal has been dismissed, without prejudice, clearing the way for this Court to rule on the motion for reconsideration and for an appeal to a United States District Judge. See Rule 58(g)(2)(B).